

PRODUCT: Papaya Concentrate: 12 1-quart bottles and 4 1-gallon bottles at Kansas City, Mo.

LABEL, IN PART: "Macu Brand Papaya Concentrate."

VIOLATION CHARGED: Misbranding, Section 403(a), the name "Papaya Concentrate" was false as applied to the article, which consisted of a mixture of papaya pulp, crushed seeds, fruit acids, flavoring, and sugar; and certain statements appearing on its label and in the circular entitled "Drink Papaya (Fruta Bomba)" were false and misleading since they represented and suggested that the article, when used as directed, was a rich source of vitamins; that it was a valuable aid to digestion; and that it would be of value in such conditions as gastritis, diphtheria, ulcers, bowel disorders, dyspepsia, croup, cancer, and gastric fermentation, whereas the article, when used as directed, was not a rich source of vitamins, a valuable aid to digestion, or of value in the conditions mentioned.

The article was also alleged to be misbranded under the provisions of the law applicable to drugs, as reported in the notices of judgment on drugs and devices, No. 1126.

DISPOSITION: July 30, 1943. No claimant having appeared, judgment was entered ordering that the product be destroyed.

6797. Misbranding of Pretorius Nezets and Pretorius Virvets. U. S. v. 36 Bottles of Pretorius Nezets, 18 Bottles of Pretorius Virvets, and 6 Display Charts. Default decree of condemnation and destruction. (F. D. C. No. 12138. Sample Nos. 57838-F, 57839-F.)

LABEL FILED: April 4, 1944, District of Colorado.

ALLEGED SHIPMENT: On or about January 26 and February 22, 1944, by Pretorius Approved Products, from Los Angeles, Calif.

PRODUCT: 36 bottles, each containing 180 tablets, of Pretorius Nezets, 18 bottles, each containing 250 tablets, of Pretorius Virvets, and 6 display charts entitled "The Pretorius 'Improve Your Health System' Food Chart for Balancing Meals," at Denver, Colo.

LABEL, IN PART: "Pretorius Nezets A Natural Source of Food Minerals," or "Pretorius Virvets A Natural Source of Food Vitamins."

VIOLATION CHARGED: Misbranding, Section 403 (a), because of false and misleading statements on the charts, which represented and suggested that it was necessary to supplement the ordinary food intake with Nezets and Virvets in order to insure adequate vitamin and mineral intake, and that if this was done improved health would follow.

DISPOSITION: May 26, 1944. No claimant having appeared, judgment of condemnation was entered and the products were ordered destroyed.

6798. Misbranding of Vitalert. U. S. v. 334 Boxes of Vitalert. Default decree of condemnation. Product ordered delivered to a government hospital. (F. D. C. No. 11194. Sample No. 57114-F.)

LABEL FILED: November 30, 1943, Eastern District of New York.

ALLEGED SHIPMENT: On or about August 31, 1943, by J. E. Trautman & Associates, Inc., Columbus, Ohio.

PRODUCT: 334 boxes of Vitalert at Brooklyn, N. Y.

Each box contained 6 small, round pills, fixed in place between 2 strips of cellophane. The box could have held approximately 50 unwrapped pills, and could easily have held at least 18 pills in folded cellophane strips. The statement "6 Vitalerts" was inconspicuously placed on the ends of the box.

LABEL, IN PART: "Super Seal Vitamins High Potency Brand Vitalert * * * Vitamin A 5000 U. S. P. Units Vitamin B₁ (Thiamin HCL) 3 Mgm. Vitamin B₂ (Riboflavin) 2 Mgm. Vitamin B₆ (Pyridoxine) .25 Mgm. Vitamin C (Ascorbic Acid) 30 Mgm. Vitamin D (Viosterol) 500 U. S. P. Units Calcium Pantothenate 1 Mgm. Niacin Amide 20 Mgm."

VIOLATIONS CHARGED: Misbranding, Section 403 (d), the container was so filled as to be misleading since its size would indicate that many more pills were contained therein than there actually were; Section 403 (a) because of false and misleading statements on the label, which represented and suggested that use of the article would insure vim, vigor, vital alertness, and health; and that it would balance the dietary intake of the individual when used as a supplement; Section 403 (f), the statement of the quantity of the contents of

the article and the statement of the proportion of the minimum daily requirements of the vitamins present in the article were not prominently placed on the label with such conspicuousness (as compared with other words, statements, designs, or devices) and in such terms as to render them likely to be read and understood by the ordinary individual under customary conditions of purchase and use; and, Section 403 (j), the article purported to be and was represented as a food for special dietary uses by reason of its vitamin content, and its label failed to bear, as required by the regulations, a statement that the need for calcium pantothenate and pyridoxine in human nutrition has not been established.

DISPOSITION: February 25, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a government hospital.

6799. Misbranding of Vitapan Tablets. U. S. v. 1,000 Bottles of Vitapan Tablets. Default decree of condemnation and destruction. (F. D. C. No. 11616. Sample No. 58460-F.)

LIBEL FILED: January 11, 1944, District of Columbia.

ALLEGED SHIPMENT: On or about October 21, 1943, by the Purity Drug Co., Inc., from Passaic, N. J.

PRODUCT: 1,000 bottles, each containing 100 Vitapan Tablets, at Washington, D. C.

The article was represented on the label as containing, per tablet, 10 milligrams of calcium pantothenate and 333 U. S. P. units of vitamin B₁, in a base of brewers' yeast.

LABEL, IN PART: "Improved 'Vitapan' Calcium Pantothenate with Vitamin B₁."

VIOLATION CHARGED: Misbranding, Section 403 (a), the statements on the label which represented and suggested that the article was effective to prevent the graying of hair and to restore to gray hair its original color were false and misleading since it was not effective for such purposes.

DISPOSITION: February 9, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

6800. Misbranding of Vigor-Ettes (whole wheat wafers). U. S. v. 102 Cases of Whole Wheat Wafers. Decree of condemnation. Product ordered released under bond. (F. D. C. No. 11759. Sample No. 51850-F.)

LIBEL FILED: February 10, 1944, District of New Hampshire.

ALLEGED SHIPMENT: On or about October 11, 1943, by the Aperion Products Co., from Boston, Mass.

PRODUCT: 102 cases, each containing 2 dozen 12-ounce cartons, of whole wheat wafers at Manchester, N. H.

LABEL, IN PART: "Vigor-Ettes."

VIOLATIONS CHARGED: Misbranding, Section 403 (a), because of false and misleading statements on the label, which represented and suggested that the article was of special nutritional significance by reason of the presence of sodium, magnesium, manganese, sulfur, chlorine, silica (Si₂O₂), and potassium; that it was non-fattening; that use of the article would provide vim and vigor; and that there is a generally recognized quantity of sodium, magnesium, sulfur, manganese, and chlorine needed daily in order to maintain normal nutrition; Section 403 (j), the article was represented as a food for special dietary uses by man by reason of its vitamin A, B, C, D, and E content, and its label failed to bear, as required by the regulations, a statement of the proportion of the minimum daily requirements of vitamins A, B, C, and D, and the quantity of vitamin E, supplied by a specified quantity of the article when consumed during a period of 1 day; and it failed to bear a statement that the need in human nutrition for vitamin E has not been established.

DISPOSITION: April 5, 1944. The Aperion Products Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be brought into compliance with the law, under the supervision of an employee designated by the Federal Security Administrator.